

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

WARREN WADDY,	:	Case No. 3:98-cv-84
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
NORMAN ROBINSON, Warden,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING  
THE REPORT AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 256)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on September 17, 2014, submitted a Report and Recommendations. (Doc. 256). The Magistrate Judge concluded that Grounds for Relief Seventeen and Eighteen should be dismissed without prejudice as moot because they are related to an Ohio lethal injection protocol which has been superseded. (*Id.*) Although Petitioner indicates he disagrees with the mootness finding, he has expressly waived any objection to the Report and Recommendations. (Doc. 258 at 6).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations of the Magistrate Judge (Doc. 256) is **ADOPTED** in its entirety; and
2. Grounds for Relief Seventeen and Eighteen of Petitioner's Second Amended Petition (Doc. 208) are **DISMISSED** without prejudice as **MOOT**.

**IT IS SO ORDERED.**

Date: 10/6/2014

/s/Timothy S. Black  
Timothy S. Black  
United States District Judge